

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Rudolph Betancourt, Individually,)	Case No.: 3:20-cv-2331
Plaintiff,)	Hon. James R. Knepp, II
v.)	ANSWER AND AFFIRMATIVE DEFENSES
Toledo Hospitality Services, LLC,)	Meghan Anderson Roth (0082165)
Defendant.)	Krysten E. Beech (0094020)
)	MARSHALL & MELHORN, LLC
)	Four SeaGate, Eighth Floor
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)	Counsel for Defendant
)	Toledo Hospitality Services, LLC
)	

With respect to the allegations of the Complaint numbered below, Defendant Toledo Hospitality Services, LLC responds as follows:

COUNT I

Violation of Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181, et seq.

1. Toledo Hospitality Services lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1.
2. Toledo Hospitality Services admits the allegations in paragraph 2.
3. Toledo Hospitality Services admits the allegations in paragraph 3.
4. Toledo Hospitality Services states that the law speaks for itself, and therefore no response is required.

5. Toledo Hospitality Services lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 and therefore denies the same.

6. Toledo Hospitality Services denies the allegations in paragraph 6.

7. Toledo Hospitality Services admits that it operates the Quality Inn located at 445 East Alexis Road, Toledo, Ohio, 43612. Further answering, Toledo Hospitality Services states that this paragraph calls for a legal conclusion, and therefore no response is required.

8. Toledo Hospitality Services denies the allegations in paragraph 8.

9. Toledo Hospitality Services denies the allegations in paragraph 9.

10. Toledo Hospitality Services states that this paragraph, including all of its subparts, calls for legal conclusions, and therefore no response is required. Toledo Hospitality Services denies the remaining allegations in paragraph 10, including all of its subparts.

11. Toledo Hospitality Services denies the allegations in paragraph 11.

12. Toledo Hospitality Services states that this paragraph calls for legal conclusions, and therefore no response is required. Toledo Hospitality Services denies the remaining allegations in paragraph 12.

13. Toledo Hospitality Services denies the allegations in paragraph 13.

14. Toledo Hospitality Services states that this paragraph calls for legal conclusions, and therefore no response is required. Toledo Hospitality Services denies the remaining allegations in paragraph 14.

15. Toledo Hospitality Services states that to the extent the law speaks for itself, no response is required. Toledo Hospitality Services denies the remaining allegations in paragraph 15.

16. Toledo Hospitality Services denies the allegations in paragraph 16.

17. Toledo Hospitality Services states that to the extent the law speaks for itself, no response is required. Toledo Hospitality Services denies the remaining allegations in paragraph 17.

COUNT II

Violation of Ohio Disability Discrimination Law, O.R.C. § 4112.01, et seq.

18. Toledo Hospitality Services incorporates by reference the above paragraphs as if fully rewritten herein.

19. Toledo Hospitality Services states that this paragraph calls for legal conclusions, and therefore no response is required.

20. Toledo Hospitality Services denies the allegations in paragraph 20.

21. Toledo Hospitality Services denies the allegations in paragraph 21.

Except as explicitly admitted herein, Toledo Hospitality Services denies each and every allegation of the Complaint.

FIRST AFFIRMATIVE DEFENSE

Betancourt has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Betancourt lacks standing to sue Toledo Hospitality Services in this case.

THIRD AFFIRMATIVE DEFENSE

Betancourt's claims are or may be barred, in whole or in part, by the applicable statute of limitations or may be otherwise time-barred.

FOURTH AFFIRMATIVE DEFENSE

Toledo Hospitality Services is entitled to a favorable judgment because the requested remedies for the alleged ADA violations are not readily achievable.

FIFTH AFFIRMATIVE DEFENSE

Betancourt is not entitled to attorneys' fees.

SIXTH AFFIRMATIVE DEFENSE

If Toledo Hospitality Services is determined to be in violation of the ADA, said noncompliance was not made in bad faith or with the intent to discriminate.

SEVENTH AFFIRMATIVE DEFENSE

Toledo Hospitality Services has made good-faith efforts to provide reasonable accommodations to Betancourt and others similarly situated.

EIGHTH AFFIRMATIVE DEFENSE

The reasonable accommodations that Betancourt alleges should be made impose an undue hardship on Toledo Hospitality Services.

NINTH AFFIRMATIVE DEFENSE

Betancourt's claims are or may be barred by the doctrines of waiver, estoppel, and laches.

TENTH AFFIRMATIVE DEFENSE

Toledo Hospitality Services at no time denied access to Betancourt at the subject property, discriminated against Betancourt because of his alleged disability, or otherwise violated the requirements of the ADA.

ELEVENTH AFFIRMATIVE DEFENSE

Betancourt is barred from asserting his claims, because he is not the real party in interest, in that Toledo Hospitality Services has never received any request from Betancourt for reasonable accommodations.

TWELFTH AFFIRMATIVE DEFENSE

Betancourt was not denied full and equal access to and service at Toledo Hospitality Services' property because of his disability.

THIRTEENTH AFFIRMATIVE DEFENSE

Toledo Hospitality Services' building falls within the existing facilities exception to the ADA.

FOURTEENTH AFFIRMATIVE DEFENSE

Betancourt failed to exhaust all administrative remedies.

FIFTEENTH AFFIRMATIVE DEFENSE

Toledo Hospitality Services reserves the right to add other applicable affirmative defenses as the case progresses.

WHEREFORE, Defendant Toledo Hospitality Services prays that the Complaint be dismissed with prejudice and that Toledo Hospitality Services be allowed to recover its costs, attorneys' fees, and any other relief deemed just and equitable by this Court.

Respectfully submitted,

/s/ Meghan Anderson Roth
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CERTIFICATE OF SERVICE

This is to certify that the foregoing *Answer and Affirmative Defenses* was filed electronically on this 5th day of February, 2021. Notice of this filing will be sent to all parties by operation of the United States District Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Meghan Anderson Roth